HIGH COURT OF CHHATTISGARH: BILASPUR

M.C.C.No. 301 of 2007

Petitioners

1) State of Chhattisgarh, through Secretary, Water Resources Department, D.K.S. Bhawan, Raipur (CG).

2) The Engineer-in-Chief, Water Resources Department, Civil Lines, Sihava Building, Raipur (CG).

Versus

Respondent

Rajkumar Biswas, S/o. Late J. Biswas, Aged about 55 years, occupation Sub-Engineer, Water Resources Department Office of S.D.O. E/M Light Machinery Tube Well Gate Ware House Road, Bilaspur (CG), R/o. G-8, Parijat Colony, Bilaspur (CG).

(Application for recalling the order dated 1-8-2007 passed in Writ Petition No.3335/2003.)

SB: Hon'ble Mr. Satish K. Agnihotri, J.

Present: Shri Sumesh Bajaj, Government Advocate for the applicants/State.
Smt. Hamida Siddiqui, counsel for the respondent.

ORDER

(Passed on 15th November, 2007)

Learned counsel appearing for the applicants/State submits that the concession made by the then Officer In Charge was on mistaken belief that the petitioner in the Writ Petition No.3335/2003 was entitled to the seniority from the date of his joining i.e., 7-8-1973.

2) On the other hand, learned counsel appearing for the respondent submits that the applicants/State have not made out any case for recalling/reviewing the order dated 1-8-2007 passed in Writ Petition No.3335 of 2003, as admittedly the petitioner in Writ Petition No.

3335/2003, had joined the services with effect from 7-8-1973. Even otherwise, the petitioner has been confirmed on the same post subsequently and his seniority has to be counted from the date of his initial appointment.

3) In view of the above submissions made by learned counsel appearing for the parties, it is necessary to recall the order dated 1-8-2007 passed in Writ Petition No.3335/2003 and restore Writ Petition No.3335/2003.

4) List Writ Petition No.3335/2003 for final hearing in the second week of January, 2008. In the meantime, any promotion pursuant to the seniority list (Electrical/Mechanical) as on 1-4-2007 shall be subject to the final decision of Writ Petition No.3335/2003.

Sd/-
Satish K. Agnihotri
Judge

raju